

**Hamlin Public Hearing
May 13 2013**

The Hamlin Town Board held a Public Hearing in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 6:30 PM by Supervisor Breslawski.

Present: Councilperson Jason Baxter, Councilperson Craig Goodrich, Councilperson Martin Maier, Councilperson David Rose, and Supervisor Thomas Breslawski. Also present: Attorney Ken Licht; Highway Superintendent Steven Baase; Building Inspector Chad Fabry; Conservation Board Members Ed Evans, Steven Rutherford, Merritt Ackles and Walt Fisher; Planning Board Member Mark Reeves; Library Director Kay Hughes-Dennett; and Recreation Director Patty Jo Groenendaal. Residents: George Bott, Jim Camp, Richard Evans, Nick Kramer, Ray Mack, Bill McDonald, Eric Peters, Carol Phillips, and David Phillips.

PUBLIC HEARING RE: LOCAL LAW AMENDING § 520-31

Supervisor Breslawski briefly explained the Public Hearing was to consider a local law amending Section 520-31-to eliminate in certain Zoning Districts the requirement of building permits for sheds, cabanas or similar structures which do not exceed 144 square feet in floor area.

Section 1: Subparagraph F of Section 520-31 (Shed and Similar Structures) of the Town of Hamlin Zoning Law of 1991 is hereby amended to provide as follows:

520-31 F. *In all zoning districts of the town except the SR District (Shoreline Residential) and the C/O District (Conservation Overlay), and any shed, cabana or similar accessory structure which does not exceed 144 square feet of floor area shall not require a building permit provided said structure is constructed on a residential parcel and conforms to setback and impervious surface requirements. Any shed, cabana or similar accessory structure shall require a building permit if such structure is located in either the SR (Shoreline Residential) or C/O (Conservation Overlay) District.*

Section 2: This local law shall become effective upon filing with the Secretary of State.

CORRESPONDENCE:

- a. Letter from Kevin Noon of 7622 Newco Drive opposing amendment to Local Law
- b. Letter from Sherry Dobson of 19 Settlers Lane opposing amendment to Local Law

PUBLIC QUESTIONS:

Ray Mack, 6430 Shore Acres – He spoke with several members on the Town Board and he felt the changes are not in the best interest of the Town. He felt the changes were being discriminatory and also felt there was the potential problem that could arise down the road with no oversight regarding new sheds. As a resident of Hamlin, he feels he is entitled to be treated the same as any other resident of Hamlin. He stated, “There has been no State, County, DEC, or any other supervisory agency that has mandated the requirement for the shoreline residents or conservation overlay areas to be singled out. So we can be included in this regulation if it makes the most sense to pass this. I trust tonight that you will take the necessary steps to understand people on the lakeshore are being discriminated against and that you either make adjustments to this or modify it some way to make it correct.”

Richard Evans, 7604 Newco Drive – He agreed with Ray Mack’s remarks and added his own remarks. He asked, “What is the justification for the proposal?” Supervisor Breslawski stated that the original idea was to do this for the whole town. It was pointed out by the Conservation Board that it may not be a good idea on the smaller lots and those environmentally sensitive lots, primarily lakeshore and conservation overlay, to let them go unchecked as this regulation would allow. Mr. Evans stated that he has no objections to inspections, but does not see the rationale to make a discriminatory rule of this nature, which entails a monetary penalty. I believe the lakeshore residents, as of the recent reassessment do, in fact, adequately pay your salaries, and so I do not see that we should be discriminated against and I do not understand how you rationalize that since we could include everybody in the Hamlin Town or we could exclude everybody in the Hamlin Town.

George Bott, 7568 Sandy Harbor – He feels that this exclusion seems discriminatory at its basis, and while he personally has no objection to their regulation of looking over the entire body, he feels it’s inappropriate to penalize lakeshore residents in favor of those who are not. He thinks it should be uniform, and he doesn’t think exclusion should be appropriate.

Peter Terry, 7520 Sandy Harbor – I believe it is discriminatory, and I think the use of the word “small lots” is arbitrary. I know this board has struggled with regulation of building codes along the lake front because of grandfathering lots in. To discriminate a certain area is, again, arbitrary, and I believe that the whole town should be treated equally. We pay for our own snow removal; we chose to live on the lake, of course. We pay for our own lighting for security, and we pay taxes, the same as any other residential lot anywhere in this town. I would welcome that you either eliminate fees for the entire town or maintain fees for the entire town.

Jim Camp, 6360 Shore Acres – I second all the other speakers that this is discriminatory and would unfairly treat those of us along the lake if it were to pass. It should be blanket throughout the town one way or the other; there shouldn’t be a change. If this were to pass and those areas are now exempt from the building permit process, what is to govern them from putting a shed, cabana or other structure too close to the lot line or not where it should be? There is no longer an oversight within the town; you are going to have neighbor disputes.

Bill McDonald, 6612 Shore Acres – When you are talking about sizes being smaller on the lake, depending where you are looking Wautoma Beach and Shore Acres are smaller lots, but Benedict Beach and Newco Drive are bigger than 95% of the places around here. Huntington Park lots are smaller than anything on the lake. You are cramming everything over there but you discriminate everyone over on the lake, and I just can’t understand why.

DISCUSSION:

Councilperson Rose stated that he is against the law I agree it’s discriminatory and secondly I think we should keep the whole town under the inspection of these sheds. I could see down the line where there will be property disputes because they are not going to be spotted where they should be as far as side setbacks, rear setback, etc.

Tom Breslawski stated that his concern was the same. When it comes to moving something, it always costs more to do so afterwards than it does to make sure it was put in the right place.

Councilperson Rose added that a lot of times you end of having added legal fees and neighbor disputes. It’s been working fine and I am a firm believer that if it’s not broken, don’t try to fix it.

Craig Goodrich stated that he also agrees that it is discriminatory; and he feels it's an illegal selective persecution of a specific area. What's good for one should be good for all taxpayers in the Town of Hamlin. Whatever you have for one, you should have for everyone.

Councilperson Baxter said, "I too support the statements made by both Councilman Rose and Councilman Goodrich."

Supervisor Breslawski stated that he would strike the Local Law amendment from tonight's agenda.

PUBLIC HEARING ADJOURNED

Resolution # 197 Motion was made by Councilperson Rose, seconded by Councilperson Maier, requesting Town Board resolution to adjourn the Public Hearing at 6:46 PM as all business was concluded. Polled Votes: Councilperson Baxter aye, Councilperson Goodrich aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Breslawski aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk